

Message Text

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ACTION DLOS-07

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01 ISO-00

CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 AID-20 CEQ-02

COA-02 COME-00 EB-11 EPA-04 IO-14 NSF-04 SCI-06 FEA-02

ACDA-19 AEC-11 AGR-20 DOTE-00 CIEP-03 FMC-04 INT-08

CEA-02 JUSE-00 OMB-01 OIC-04 DRC-01 /297 W

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5318

INFO USUN NEW YORK 757

UNCLAS SECTION 1 OF 2 CARACAS 7838

FROM US DEL LOS

EO 11652: NA

TAGS: PLOS

SUBJECT: LOS: COMMITTEE I, AUGUST 8 AND 9

1. SUMMARY. LENGTHY EXTEMPORANEOUS STATEMENT BY U.S. (COPIES OF TRANSCRIPT AIR POUCHED) EXPLAINING IMPORTANCE U.S. DEL ATTACHES TO INCLUSION OF CONDITIONS OF EXPLOITATION IN TREATY AND SUBSTANTIVE U.S. POSITION ON THIS SUBJECT, OPENED INFORMAL COMMITTEE I (C-1) DEBATE ON CONDITIONS OF EXPLOITATION AUGUST 8 AND 9. INTERVENTION EXPRESSED FIRM VIEW OF U.S. THAT SERIOUS NEGOTIATION ON ARTICLE 9 (WHO MAY EXPLOIT THE AREA) CANNOT OCCUR UNLESS C-1 MAKES COMMITMENT TO INCLUDE BASIC TERMS AND CONDITIONS IN CONVENTION AND ADOPTS PROCEDURES FOR ENSURING THEIR NEGOTIATION. IT NOW APPEARS THAT U.S. ACTION HAS STIMULATED GROUP OF 77 TO PREPARE PROPOSAL FOR ARTICLES ON CONDITIONS OF EXPLOITATION AND MAY RESULT IN CREATION OF SMALL WORKING GROUP FOR PREPARING ALTERNATIVE

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TREATY ARTICLES ON THIS SUBJECT. END SUMMARY.

2. IN FORMAL C-1 MEETING AUGUST 6, AGREEMENT WAS REACHED IN SUPPORT OF U.S. AND OTHER INDUSTRIALIZED COUNTRIES' VIEW THAT NEXT ITEM FOR DISCUSSION IN INFORMAL C-1 SHOULD BE CONDITIONS OF EXPLOITATION. IN ENDORSING THIS APPROACH, HOWEVER, SPOKESMAN OF GROUP OF 77 URGED THAT DEBATE BE PERMITTED FOR MAXIMUM OF FOUR MEETINGS IN ORDER FOR C-1 TO RETURN TO SERIOUS NEGOTIATION OF ARTICLE 9, EXPLOITATION SYSTEM. DESPITE PROTESTS FROM FRENCH AND USSR REPS, LDC DELS MAINTAINED SUPPORT FOR CLOSING DEBATE ON CONDITIONS OF EXPLOITATION AT EARLY STAGE, SINCE IN THEIR VIEW SUBJECT WAS NOT RELEVANT TO NEGOTIATIONS ON ARTICLE 9. SUBSEQUENT CORRIDOR CONVERSATIONS REVEALED THAT GROUP OF 77 WAS ON VERGE OF DECIDING NOT TO PARTICIPATE IN ANY MEANINGFUL WAY IN INFORMAL DEBATE ON CONDITIONS, THUS INDICATING THEIR REFUSAL TO ACCEPT LEGITIMACY OF SUBJECT IN C-1'S WORK PROGRAM. IN ADDITION, CHAIRMAN OF INFORMAL C-1 (CHRIS PINTO) HAD PREPARED WORKING DOCUMENT OF HEADNOTES FOR CONDITIONS OF EXPLOITATION WHICH, ALTHOUGH SOMEWHAT SLANTED TOWARDS LDC PROPOSALS RATHER THAN THOSE OF U.S. AND OTHER INDUSTRIALIZED DELS, WAS NOT RECEIVING SUPPORT FROM GROUP OF 77 ON BASIS THAT SUBJECT WAS TOO TECHNICAL.

3. U.S. DEL WAS UNANIMOUS IN VIEW THAT STRONG POSITION ON NECESSITY OF DISCUSSING RULES AND REGULATIONS IN FULL WAS ESSENTIAL AND AGREED TO INTRODUCE IN INFORMAL C-1 U.S. DRAFT RULES AND REGULATIONS. U.S. C-1 REP CONDUCTED SUBSTANTIAL BEHIND-SCENES CONSULTATIONS INFORMING KEY LDC DELS OF STRONG U.S. REACTION TO GROUP OF 77'S ATTEMPT TO CUT OFF RULES DEBATE AND OF U.S. DEL'S DECISION THAT NO NEGOTIATION ON ARTICLE 9 WAS POSSIBLE UNTIL GROUP OF 77 RECOGNIZED THAT QUESTION OF EXPLOITATION SYSTEM MUST BE NEGOTIATED IN TANDEM WITH CONDITIONS OF EXPLOITATION. APPREHENSION THAT U.S. WOULD CATEGORICALLY REJECT ANY DISCUSSION OF GROUP OF 77'S PROPOSAL FOR ARTICLE 9 GENERATED SOMEWHAT MORE CONCILIATORY RESPONSE ON WHETHER LDC DELS COULD COMMIT THEMSELVES TO ACCEPTING BASIC CONDITIONS OF EXPLOITATION IN TREATY AND SEVERAL DELS BEGAN PREPARATION OF DRAFT ARTICLES ON SUBJECT.

4. STATEMENT BY U.S. C-1 REP (RATINER) TOOK UP ENTIRE P.M.
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SESSION OF INFORMAL C-1 ON AUGUST 8 AND WAS CONTINUED AT A.M. SESSION AUGUST 9. STATEMENT EXPRESSED VERY STRONG U.S. VIEW THAT C-1 MUST AGREE THAT CONDITIONS OF EXPLOITATION BE INCLUDED IN TREATY BEFORE ANY SERIOUS NEGOTIATION ON ARTICLE 9 COULD BE CONTEMPLATED. EXPLAINING THAT PRINCIPAL U.S. INTEREST IN C-1 NEGOTIATION WAS IN GUARANTEEING ACCESS TO DEEP SEABED MINERALS, C-1 REP POINTED OUT THAT ONLY WAY HIS GOVERNMENT COULD BE SATISFIED THAT ACCESS WAS PROTECTED WAS

THROUGH SPELLING OUT IN TREATY HOW SYSTEM WOULD WORK. HE DESCRIBED FUNDAMENTAL CONDITIONS OF EXPLOITATION WHICH U.S. REGARDED AS ESSENTIAL AND EXPLAINED PURPOSES SERVED BY EACH TYPE OF PROVISION. WHILE U.S. COULD ACCEPT PAPER PREPARED BY CHAIRMAN AS BASIS FOR DISCUSSION, HE POINTED OUT SEVERAL ITEMS IN PAPER WITH WHICH U.S. COULD NOT AGREE (E.G. REGULATION OF SCIENTIFIC RESEARCH, CONTROLS OVER PROCESSING AND MARKETING, LIMITATIONS ON AREAS AWARDED).

5. IN MEETING FOLLOWING DAY, C-1 REP INTRODUCED U.S. DRAFT FOR EXPLOITATION RULES AND REGULATIONS, DESCRIBING EACH PROVISION IN GREAT DETAIL. IN ORDER TO ENSURE THAT U.S. COULD LATER REVISE CERTAIN PROVISIONS RELATING TO HYDROCARBON EXPLOITATION, AND AT REQUEST OF PETROLEUM ADVISERS ON DEL, KEY DEPARTMENT AND AGENCY REPS CONCERNED AGREED TO ADD FOLLOWING NOTE TO U.S. DRAFT PRIOR TO SUBMISSION TO INFORMAL C-1: QTE THESE ARTICLES ARE PRELIMINARY IN NATURE AND ARE INTENDED TO REFLECT CONCEPTS RATHER THAN FINAL, DETAILED PROVISIONS. IT IS EXPECTED THAT REVISIONS AND ADDITIONS WILL BE SUBMITTED BY THE UNITED STATES. UNQTE

6. U.S. INTERVENTION CONCLUDED WITH CALL TO C-1 TO MAKE COMMITMENT TO INCLUDE FUNDAMENTAL CONDITIONS OF EXPLOITATION IN TREATY AND TO AGREE TO PROCEDURES FOR ADVANCING COMMITTEE'S WORK NOT ONLY ON CONDITIONS OF EXPLOITATION, BUT ALSO ON ARTICLE 9. APPEAL WAS MADE TO MODERATE DELS TO BEGIN TO PARTICIPATE MORE FULLY IN COMMITTEE'S DISCUSSIONS IN ORDER TO DEMONSTRATE TO U.S. AND OTHERS THAT HANDFUL OF LDC DELS WHO TOOK EXTREME POSITIONS WOULD NOT MAKE AGREEMENT IMPOSSIBLE.

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ACTION DLOS-07

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01 ISO-00

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FM AMEMBASSY CARACAS
TO SECSTATE WASHDC 5319
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FROM US DEL LOS

7. REACTION TO FIRM, SOMEWHAT UNCOMPROMISING STATEMENT BY U.S. C-1 REP HAS BEEN VERY FAVORABLE AMONG INDUSTRIALIZED COUNTRIES WHO SEEM TO AGREE THAT TIME HAD COME TO MAKE STRONG STAND IN OPPOSITION TO GROUP OF 77 REFUSAL TO AGREE TO NEED FOR REGULATORY PROVISIONS IN CONVENTION. MANY DEVELOPED COUNTRY DELS HAD BEEN APPREHENSIVE THAT, UNLESS SOME ACTION WAS TAKEN, GROUP OF 77 WOULD USE STEAM-ROLLER TACTICS TO PUSH ARTICLE 9 TO VOTE WITHOUT ANY ATTEMPT AT COMPROMISE. REACTION TO U.S. STATEMENT BY LDC DELS HAS RANGED FROM RESENTMENT ON PART OF MORE EXTREME DELS TO CERTAIN DEGREE OF APPRECIATION ON PART OF MODERATE DELS FOR UNDERSTANDABLE DESCRIPTION OF WHAT U.S. MEANS BY CONDITIONS OF EXPLOITATION, WHY WE BELIEVE THEY ARE NECESSARY AND WHAT PURPOSE EACH PROVISION IS DESIGNED TO SERVE. GREATER AWARENESS ON PART OF ALL DELS OF U.S. INFLEXIBILITY IN CERTAIN KEY AREAS HAS BEEN OBVIOUS AND U.S. DEL IS HOPEFUL THAT NEW GROUP OF 77 UNDERSTANDING OF MAGNITUDE OF GAP BETWEEN THEIR POSITION AND THAT UNCLASSIFIED

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OF U.S. MAY BE BENEFICIAL.

8. SUBSEQUENT STATEMENTS OF REPS FROM JAMACIA, TRINIDAD AND TOBAGO AND KENYA DEMONSTRATED RECOGNITION THAT LDC POSITIONS WOULD HAVE TO MOVE TOWARDS ACCEPTANCE OF INCLUDING SOME FORM OF REGULATORY PROVISIONS IN ORDER TO ACCOMMODATE U.S. ALL THREE REPS STRONGLY OBJECTED TO THREATENING TONE OF U.S. STATEMENT BUT JAMAICAN REP SUPPORTED BY OTHER TWO PROPOSED CREATION OF SMALL GROUP TO CONSIDER CONDITIONS OF EXPLOITATION IMMEDIATELY. IN EXPLAINING THREE WAYS C-1 MIGHT RESOLVE THIS QUESTION-- LEAVING CONDITIONS TO BE DEVELOPED BY AUTHORITY, INCLUDING IN CONVENTION BASIC NORMS TO GUIDE AUTHORITY IN DEVELOPING CONDITIONS, AND SPELLING OUT IN DETAIL CONDITIONS IN TREATY ITSELF--HE INDICATED THAT HIS DEL FAVORED THE SECOND OPTION. MOST STRIDENT DENUNCIATION OF U.S. POSITION CAME FROM TRINIDAD AND TOBAGO REP WHO DECLARED U.S. DRAFT REGULATIONS TO BE QTE QUITE UNACCEPTABLE. UNQTE HE ARGUED LDC DELS HAD MORE TO LOSE BY FORFEITING THEIR QTE MORAL POSITION UNQTE ON DEEP SEABED

ISSUE THAN BY UNILATERAL ACTION TO MINE SEABEDS ON PART OF INDUSTRIALIZED COUNTRIES. HIS GOVERNMENT COULD NOT AFFORD TO SPEND FUNDS AND EFFORTS REQUIRED TO SEND REPRESENTATIVES TO CONFERENCE, MERELY FOR PURPOSE OF RUBBER-STAMPING DEMANDS OF DEVELOPED COUNTRIES.

9. U.S. DEL HAS BEEN INFORMED THAT CONTACT GROUP OF GROUP OF 77 IS IN PROCESS OF PREPARING DRAFT ARTICLES ON CONDITIONS OF EXPLOITATION WHICH THEY WILL INTRODUCE WHEN AGREED. ALTHOUGH WE CANNOT EXPECT THESE ARTICLES TO APPROACH DETAIL OF OUR OWN DRAFT, THEIR SUBMISSION WILL REPRESENT FIRST TANGIBLE SIGN OF LDC COMMITMENT TO INCLUSION OF REGULATORY PROVISIONS IN TREATY, AN ACHIEVEMENT THAT PREVIOUSLY SEEMED UNATTAINABLE DURING CARACAS SESSION. IN ADDITION, THERE ARE INDICATIONS THAT EUROPEAN DELS MAY SOON BE IN POSITION TO SUBMIT CO-SPONSORED DRAFT OF REGULATIONS. THESE PROPOSALS, TOGETHER WITH U.S. DRAFT, MAY PROVIDE ADEQUATE BASIS FOR COMPILATION OF WORKING DOCUMENT OF ALTERNATIVE TREATY TEXTS.
STEVENSON

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